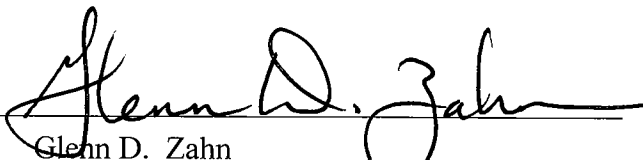


### DECLARATION

I, Glenn D. Zahn, declare under penalty of perjury that the following is true:

1. I am the U.S. Army Corps of Engineer's ("CoE") engineer and Quality Assurance Representative that was assigned to monitor the contract awarded to Osborne Construction Co. ("Osborne") in Sept 2001.
2. My title is not Quality Control, usually abbreviated as QC, nor has it ever been. Osborne Construction Co., as well as all other major construction contractors, is specifically required by the contract to have a CQC. That stands for Contractor Quality Control. Sometimes the person is referred to as QC for short. The Corps of Engineers typically refers to the person that heads the contractor's QC effort as the CQCSM, or Contractor Quality Control Systems Manager. The counterpart for the Government is referred to as the QAR, or Quality Assurance Representative. The Government does not have a QC as Quality Control is a contractor function and responsibility. The Government employs QARs for Quality Assurance. I was the QAR for the Osborne contract in addition to the CYS/Wolverine housing contract work occurring in the same neighborhood of Ft. Wainwright. The person mentioned as "Smitty of DPW" in the Quality Control Daily report of 1 Aug 2002 was an elderly DPW employee assigned part time to assist with QA work on the two adjacent jobs for the benefit of DPW.
3. Chris Seeley of Osborne was the Contractor Quality Control Systems Manager and he signed the daily report which is marked as Ex. J. He was one of the people at the construction site who observed the work every day, and he was the head of the contractor's Quality Control staff. He wrote the reports and helped to make sure the work conformed to the contract plans and specs and in accordance with contract requirements for safety to include OSHA, the CoE Safety Manual EM 385-1-1 and the Contractor's Safety Plan
4. I read Ex. J, the daily report of August 1, 2002. On that day I was driving north on the haul road to Deadhorse on a hunting trip. I do not recall what I was doing the day before but I did not have anything to do with the violations discussed in the Safety paragraph. I did not observe the violations and I had nothing to do with issuing the violations. I do not issue safety violations and I was the CoE employee assigned to this project. If I spotted a safety violation I referred it to Mr. Seeley or Superintendent Jeff Crawford to resolve. I did not direct Osborne's or other contractor's work.

Date: 16 Feb 07 

Glenn D. Zahn

U.S. Army Corps of Engineers, Wainwright Resident Office  
Housing Project Engineer / QAR

Declarations have the same legal force as affidavits. 28 U.S.C. § 1746